

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1282 OF 2003
IN
SUIT NO.1193 OF 2003

Sanjay Tulsidias Rukhana ...Plaintiff
Vs.
Feroza Momood Khan ...Defendant

Mr.Ashok Varma i/b. Mayur Narendra & Co. for Plaintiff

CORAM: SMT.R.S.DALVI, J.
DATED: 7TH JULY, 2005

P.C.

1. The Plaintiff has been granted ad-interim relief restraining the creation of third party rights by the defendants on 24th April, 2003. The plaintiff was directed to file affidavit of service on the next date. Affidavit of service of the application for ad-interim relief was filed. The Plaintiff's Advocates states that the Plaintiff was directed to serve the Notice of Motion through the Sheriff. The Notice of Motion has not been served. The Notice of Motion requires service. The Plaintiff has not shown, when the Plaintiff applied to the Sheriff for effecting the service. The ad-interim order was granted in the absence of the Defendant. The Notice of Motion not being served, the Defendant is yet absent. The Notice of Motion is taken out since 16th April, 2003. It should have been served long-ago.

2. The Plaintiff's Advocate applies for three weeks time for service. This itself shows that the

Plaintiff has no urgency to obtain interim reliefs.

3. Notice of Motion is dismissed for want of service.

(SMT.R.S.DALVI, J.)